



State of New Hampshire
WATER WELL BOARD



Kelly M. Dobrowolski, *Pump Installer, Chair*
Peter W. Caswell, C.W.D. - P.I., *Water Well Contractor*
Scott Costa, C.W.D. - P.I., *Water Well Contractor*
Abigail Fopiano, P.G., *Staff*

Bart Cushing, *Technical Driller*
Rene Pelletier, P.G., *Dept. of Environmental Services*
Frederick H. Chormann, Jr., P.G., *State Geologist*
Steve Lamb, P.G., *Public Member*

Final

NH WATER WELL BOARD MINUTES

June 7, 2018

A meeting of the New Hampshire Water Well Board ("Board") was held on June 7, 2018, in the Department of Environmental Services (DES) Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: Kelly Dobrowolski, Chair
Board Members: Scott Costa, Bart Cushing, Peter Caswell, Rene Pelletier, and Rick Chormann
DES Staff: Andrew Koff, Abigail Fopiano

Ms. Dobrowolski opened the meeting at 9:33 A.M., and read the opening statements. The Board members introduced themselves and welcomed the public in attendance.

Approval of Minutes

The Board reviewed the Minutes for the April 3, 2018 Board meeting. Mr. Cushing motioned to approve the April 3, 2018 Water Well Board Minutes. Mr. Caswell seconded the motion and the Board unanimously voted to accept the minutes as presented.

License Suspension Update – Tri-State Drilling and Boring, License No. 1762:

Ms. Fopiano provided an update as to the actions taken by Mr. Faulkner and Tri-State Drilling and Boring, license no. 1762 since the issuance of a suspension at the April 3, 2018 Administrative Hearing. Ms. Fopiano reported to the Board that since the April 3, 2018 meeting all required paperwork was submitted to DES on-time per the conditions of the suspension. The Board reviewed the information submitted by Mr. Faulkner and held a discussion related to incompleteness of the well completion reports submitted. Specifically, information pertaining to static water levels and lithologic logs was not complete on all the submitted reports. Following the discussion, Mr. Costa motioned to lift the suspension given specific conditions, Mr. Pelletier seconded the motion. The Board then voted unanimously to lift the suspension of Tri-State Drilling & Boring, water well contractor license No. 1762, and commence the two-year probationary period, once the following conditions are met:

- Tri-State shall correct any well completion reports found to still have incorrect or missing construction information;
- Tri-State shall submit an affidavit stating that all well reports, since being granted a water well contractor license, have been submitted.

Ms. Fopiano will generate a letter detailing the updated license suspension to Mr. Faulkner and will monitor when the conditions are met. Once the conditions are met, Ms. Fopiano will generate a letter noting the end of the suspension and beginning of the probationary period. Per the vote at the Administrative Hearing, during this probationary period, Tri-State will be required to continue to submit well completion reports on a quarterly basis.

Well Siting Rules: Discussion with NH DES Subsurface Systems

At the April 3, 2018 meeting, the Board requested that representatives from the DES Subsurface Systems Bureau be invited to attend the next Board meeting to discuss concerns related to discrepancies of when special methods of construction are needed, specifically on approved septic plans with a proposed well location. Rob Tardif and Dawn Buker with DES Subsurface Systems Bureau (SSB) joined the meeting to discuss the Subsurface (septic system) rules in relation to drinking water well location and/or construction and notations made on approved septic system plans and construction approval documentation.

Mr. Pelletier asked if a notation on septic plans stating that the rules of RSA 482 or We 600 must be followed is possible. Ms. Buker noted that since 2009, SSB has been adding a condition stating that the *well must be placed per the plan* in the Construction Approval. However, it is not specifically on the plan drafted by the septic designers. Ms. Buker noted that the SSB rules do not give jurisdiction for septic designers or DES to notate technical details of the Water Well Board rules. Ms. Buker also clarified that the Subsurface System rules give the septic designer the option to notate a point for well location or an area for well locations; most designers opt to use a point. Ms. Dobrolowski and Mr. Costa indicated that if more septic designers showed a suitable well location area, instead of a point (where applicable), it would be extremely beneficial. Mr. Tardif noted that they could ask, but it is not required and there may be resistance from the septic designers to do so.

Mr. Tardif noted that, in general, it is SSB's position that the well does not impact the septic system; it is the septic system that may impact the well. In some instances the Subsurface rules default to Water Well Board rules to be more protective. Many on the Board were pleased to hear that sentiment. Mr. Tardif noted that the Water Well Board rules (We 602.12) require that driller's take responsibility to work with the homeowner and their designer to move the well if needed. And that if a driller installs a well in a location that does not match the septic plans, the driller is in violation of the Water Well Board rules.

Upon a question by Mr. Cushing, Mr. Tardif provided an explanation of seasonal versus year-round use in relation to septic designs. The seasonal use issues are typically related to pre-1967 rules. There are conditions that are required to be met when converting a home from seasonal to year-round. Ms. Fopiano noted, and other agreed, that one big confusion is the clarification of what lot loading is. Drillers know the 75 foot setback, but they may not know they cannot move the well because of lot loading. Notations on plans shall specify if a well cannot be moved due to lot loading.

Mr. Pelletier requested, because the rules do not require it, that SSB stress to designers and installers that it is good practice that the water well is installed first. Mr. Pelletier also requested SSB to ask designers to note on all septic plans that the rules of RSA 482 or We 600 must be followed and that the plans note that if a well needs to be moved, DES shall be contacted. Ms. Buker and Mr. Tardif agreed they could request this although it is not required per their rules. Mr. Tardif also noted that a notation may not be

prudent on all plans, for example those with existing wells or large lots do not need the notation. Mr. Tardif noted that perhaps Granite State Designers and Installers Association (GSDI) can put out a news blast to members to help educate septic designers.

The discussion concluded with both SSB and the Board needing to follow-up with the industry(s) and educate about ways to alleviate these concerns. The Board thanked SSB for coming to the meeting and having an open dialogue. Both agreed they should meet at a later date to discuss progress.

The meeting broke for lunch at 12:00 P.M. Ms. Dobrowolski brought the meeting back to order at 12:51 P.M.

DES Enforcement Report

Ms. Emily Jones presented two reports to the Board regarding enforcement actions initiated by DES for violations of RSA 482-B and the rules of the Board, We 100 - 1000. One report presented an evaluation of all Water Well Program fines issued by DES from 2010 to the present. The intent of this report was to summarize the types of violations and fines issued in the recent history. The other report included a general overview of the violations, DES actions, and current status of specific cases handled mostly over the last year. This report included a synopsis of cases that have been settled with DES where the respondent is within a two-year compliance tracking list.

Mr. Cushing requested that the DES persons deciding the fine and settlement agreements with respondents come to a Board meeting to discuss the protocols for determining fines.

2017 Reporting Summary

After a review of the 2017 reporting summary at the April 3, 2018 meeting, the Board opted to send Roth Artesian Well Company (license no. 20) and Forest Pump and Filter Co., Inc. (license no. 1382) letters requesting them to check their records and ensure that all well reports for 2017 have been submitted.

Ms. Fopiano presented an update to the responses to these letters. Forest Pump and Filter responded that that all applicable reports were submitted and they are working more in Maine. The Board determined that this was a sufficient explanation and there was no further discussion. Roth Artesian Well Company (license no. 20) responded by submitting 38 reports via the electronic reporting process. A review of these 38 reports indicated that 32 were submitted more than 90-days after well installation and are considered late. The Board discussed what, if any, appropriate actions should be taken for the late well completion reporting. Mr. Cushing motioned to put Roth Artesian Well Company (license no. 20) on a probationary status with specific conditions, Mr. Caswell seconded the motion. The Board voted unanimously to put license #20 on probation for a period of two years, effective June 15, 2018. This probation requires the submission of well completion reports within 60 days.

New License Applications

At the April 3, 2018 meeting the Board approved one applicant to sit for the domestic pump installer license exam and another applicant sit for the all horsepower pump installer license exam and for the

water well contractor (cable tool) license exam. These two applicants passed the exams and are now active licensees. There were no new applications to discuss.

Licensing Database – MLO Conversion Update

Mr. Koff and Ms. Fopiano provided an update that the New Hampshire Department of Information Technology (DoIT) My License Office (MLO) license database conversion is in progress. The database will not be ready in time for the 2018-2019 license renewals, therefore, the renewals will occur as they have in the past. However, the licensee renewal information will be updated in the MLO program and it is anticipated that the program will be complete by the fall and online renewals will be available for the 2019-2020 renewals.

Probation Report

One licensee is currently on probation. Ms. Fopiano reported that they are current and operating within the terms of the probation.

Old Business

Business licensing and working under Trade Names/DBAs

Ms. Fopiano presented a response from the Board's legal counsel in relation to the Board's authority over requiring a current licensed company that has started a new division and is doing business as (DBA) under a trade name to obtain a separate license for that trade name. Based on the Statute and rules, Legal counsel offered the opinion that as long as the main business, as listed with the Secretary of State, is licensed all trade names under that business is licensed.

The Board had a discussion as to the ethical issues that may arise from customers not understanding the connection between the two entities, specifically when it comes to well reporting. This discussion focused on a current concern with one licensee, a trade name of Granite Well and Pump under Capital Well Company, license #225. The Board decided to send a letter to Capital Well Company requesting they come to the next meeting to discuss these concerns or consider getting another license for Granite Well and Pump.

New Business

Joint Committee on Code Enforcement

Ms. Fopiano noted that the Joint Committee on Code Enforcement is meeting June 9, 2018. Per the Statute (RSA Section 153:4-b), the Chair of the Water Well Board is to sit on the Committee. This Committee has not met since 2013 and current proposed regulations (HB1254) warrant the Committee to convene. Ms. Dobrowolski and Ms. Fopiano plan to attend.

Legislation Related to Drinking Water Standards

Mr. Cushing requested Ms. Fopiano inquire to DES Drinking Water Groundwater Bureau when the Water Well Board may have the opportunity to provide input on the process of complying with recent legislation regarding arsenic and PFAS drinking water standards.

Notation of Static Water Level on Well Completion Reports

During the meeting the Board discussed the relevance and value of the static water level reported on well completion reports. The discussion incorporated opinions of relevance of static water level collected on the date drilled. It was the consensus of the Board that a driller shall fill in the static water level with true information obtained after well installation or insert a notation, NA (not applicable), if true water level is not available. In the future, the Board may want to revise the wording in the rules related to reporting static water levels.

Mr. Cushing motioned to adjourn the meeting. Mr. Caswell seconded the motion, and the Board unanimously voted to adjourn at 2:12 P.M.



Rene Pelletier
Water Well Board Secretary